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Letter dated 22 October 2015 from the Permanent Representatives of Chile and Spain to the United Nations addressed to the President of the Security Council

We have the honour to inform you that the Governments of Chile and Spain, in association with the Global Centre for the Responsibility to Protect and the Stanley Foundation, held the fifth meeting of the Global Network of the Responsibility to Protect Focal Points in Madrid, on 23 and 24 June 2015.

In this regard, the Governments of Chile and Spain have the honour to transmit to you, in relation to the item on threats to international peace and security, the summary and conclusions of that meeting (see annex).

We should be most grateful if you would circulate the present letter and its annex as a document of the Security Council.

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Annex to the letter dated 22 October 2015 from the Permanent Representatives of Chile and Spain to the United Nations addressed to the President of the Security Council

Fifth meeting of the Global Network of Responsibility to Protect Focal Points (Madrid, June 2015)

Introduction

On 23 and 24 June 2015, in Madrid, the Governments of Chile and Spain, in association with the Global Centre for the Responsibility to Protect and the Stanley Foundation, hosted the fifth annual meeting of the Global Network of the Responsibility to Protect Focal Points. Senior government representatives from more than 50 countries from all regions of the globe participated in the meeting, together with the Special Adviser of the Secretary-General on the Responsibility to Protect, Jennifer Welsh. The meeting opened with remarks by the Secretary of State for Foreign Affairs of Spain, Ignacio Ybáñez Rubio, and the Ambassador of Chile to Spain, Francisco Marambio Vial.

Sessions of the meeting focused on the theme of "Ten years of the responsibility to protect: responding to new challenges and threats to vulnerable communities". During the meeting, the responsibility to protect focal points assessed the capacities that their Governments had built nationally and implemented internationally for the prevention of mass atrocities since the adoption of the principle of the responsibility to protect at the 2005 World Summit. The focal points also discussed strategies for responding to new threats to populations, including crimes perpetrated by non-State actors. During the sessions, participants focused on the phenomenon of foreign fighters, the besiegement of minority populations and targeted gender-based attacks, including kidnapping and disappearances.

Six thematic experts — Alex Bellamy of the Asia-Pacific Centre on the Responsibility to Protect; Luis Peral of Club de Madrid; the Special Rapporteur on minority issues, Rita Izsak; Patrick Travers of the Office on Genocide Prevention and the Responsibility to Protect; Lauren Wolfe of Women Under Siege; and Saudatu Mahdi, leader of the "Bring Back our Girls" campaign — facilitated the discussions. Participants closed the meeting by reflecting upon ways to deepen ongoing cooperation among responsibility to protect focal points, now that the Global Network has expanded to include more than one quarter of the United Nations Member States.

The present document provides a summary of key issues discussed in Madrid and practical recommendations on the role that responsibility to protect focal points can play in responding to emerging challenges in the protection of civilians and preventing atrocities perpetrated against vulnerable populations.

Ten years of the responsibility to protect: stocktaking and agenda setting

During the opening session, the focal points reflected upon the progress made by the Global Network and its individual members in enhancing preventive capacities at the national and international levels. Participants candidly discussed developments in the field of mass atrocity prevention since the adoption of the 2005 World Summit Outcome, addressing not only the positive commitments made by

various States and organizations but also the practical challenges that the international community continues to face in stopping those crimes and putting an end to those crises around the world.

National commitments

Historically speaking, it is clear that no country is immune to mass atrocities. During the stocktaking exercise, as members of the Global Network described their own national efforts, it was clear that the focus of the conversation was no longer whether and when certain States needed national preventive mechanisms, but rather how everyone was upholding their responsibilities under pillars I and II. Every responsibility to protect focal points acknowledged the necessity of holding a national conversation across ministries focused on policies for the protection of human rights and the prevention of mass atrocities.

Participants discussed a range of national initiatives that they were contributing to as responsibility to protect focal points. Several countries mentioned ongoing interministerial mapping exercises to assess opportunities for mainstreaming mass atrocity prevention into the work of all parts of government. Echoing this, some participants noted that the responsibility to protect influences political decision-making in a range of areas, including the security and justice sectors, as well as trade and development policies. Other participants discussed training for the security sector and raising awareness within government of the challenges of preventing mass atrocities and of accountability when there was a history of such crimes. Several States that had emerged from conflict in the past two decades discussed challenges in structural prevention, noting that while prevention might be easier to talk about than other elements of the responsibility to protect, the process of strengthening institutions that protected human rights took a long time and required government commitment and perseverance.

With regard to State-level pillar II and pillar III responsibilities, some participants discussed how national efforts translated into regional and international behaviour. Training the security sector to better identify risk factors and protect populations facing mass atrocities was noted as an essential preventive step that troop-contributing countries participating in peacekeeping missions should make, regardless of the level of atrocity risk they faced at home. Similarly, States discussed their responsibility to better understand atrocity risk factors and appropriate diplomatic responses when serving on the Security Council, several States calling upon the five permanent members to restrain their use of the veto in mass atrocity situations.

States also discussed taking steps to integrate national efforts into the regional perspective, citing the need, for example, to ensure that the factors assessed in the Framework of Analysis for Atrocity Crimes developed by the United Nations were included in the early warning mechanism of the European Union. Others, notably from Asia and the Middle East, directed their national efforts at encouraging neighbouring States to engage more with issues relating to the responsibility to protect, civilian protection and mass atrocity prevention more generally.

International commitments

The discussion of international commitments focused on conceptual and practical progress made with regard to the responsibility to protect since 2005.

Some participants asserted that, given the ongoing conflicts in the Central African Republic, South Sudan, the Syrian Arab Republic and elsewhere, as well as lingering criticism regarding the response in Libya under pillar III, it was easy to overlook positive developments. Nevertheless, they were encouraged by how mechanisms for responding to atrocities had evolved in the 20 years since Rwanda and Srebrenica.

At the present time, 10 out of 16 United Nations peacekeeping missions have a protection of civilians mandate, many including also a specific responsibility to protect component, and initiatives such as the Human Rights Up Front and its action plan underline the importance of leadership by the United Nations Secretariat in preventing mass atrocity crimes.

Many also praised the annual reports of the Secretary-General on the responsibility to protect for clarifying the norm, consistently raising awareness, ensuring continued dialogue on the responsibility to protect and encouraging States and organizations to continue to develop meaningful mechanisms for the prevention of atrocities. One participant noted that, while in September 2005 it was not clear what, if any, follow-up there would be to paragraphs 138 and 139 of the World Summit Outcome, participants should feel encouraged when thinking in practical terms about the national and international developments in early warning, prevention and response that had been seen thereafter.

Finally, in the light of the 2015 "generational reviews" of United Nations peacekeeping, peacebuilding and Security Council resolution 1325 (2000) on women and peace and security, as well as the development the Human Rights Up Front action plan and debates surrounding the new Sustainable Development Goals, all participants recognized the critical nature of the responsibility to protect as a cross-cutting issue. The year 2015 had provided ample opportunity for States to assess critically gaps in the capacity to prevent atrocities in a range of priority areas for the United Nations and the broader international community. With the greatest number of refugees since the Second World War and several major conflicts marked by ongoing mass atrocities, the need for the responsibility to protect had arguably never been greater.

Responsibility to protect and non-State actors

Non-State armed groups in various parts of the world are becoming increasingly prominent as perpetrators of mass atrocity crimes. However, as a result of the responsibility to protect being a largely State-based principle, conceptual gaps remain in our collective understanding of how the principle relates to those groups and of how to respond effectively to the atrocities they perpetrate. Nevertheless, States have a responsibility to protect their own population from atrocity crimes perpetrated by violent extremists, to assist others in ensuring protection and to take appropriate action to protect populations from such crimes.

During the session, the focal points explored common themes regarding the responsibility to protect, terrorism and strategies for countering violent extremism, as well as when and how to utilize those different approaches to halt the commission of mass atrocity crimes by non-State armed groups. As some of those groups increase their capacity and even take a quasi-State form, as Islamic State in Iraq and the Levant (ISIL) has done in Iraq and the Syrian Arab Republic, responding to those challenges becomes ever more relevant and pressing.

The discussion focused on two primary areas: curbing the means of violent extremists for perpetrating mass atrocity crimes and preventing the radicalization of civilians and their recruitment into violent extremist groups. While there is no single template on how to respond to those threats, as each group and situation requires a tailored approach, there are some commonalities across different cases.

Curbing the means for committing mass atrocity crimes

By definition, non-State armed groups require different measures from those directed at States perpetrating crimes or failing to protect their own population. Mediation and diplomacy, sanctions, referrals to the International Criminal Court and other tools for deterring perpetrators from committing crimes cannot be applied in the same way to violent extremist groups and thus do not have the same impact as they would on a State actor.

Nevertheless, while mechanisms for deterrence and punishment of mass atrocity crimes are difficult to impose, States still have options. By limiting the access that violent extremists have to weapons and other means of perpetrating crimes, States can utilize existing mechanisms to prevent atrocities. These can include implementing procedures for slowing the global flow of arms by ratifying the Arms Trade Treaty. Governments can also reinforce arms agreements by imposing country-specific embargoes and ensuring that mass atrocity risk factors are assessed prior to selling arms to countries where they can be deliberately misused or illegally sold on to non-State actors, or may otherwise fall into the wrong hands.

Constraining the financing of violent extremist groups is also crucial to reducing their capacity to perpetrate mass atrocity crimes. In that context, it is essential to reduce the capacity of non-State groups to exploit and illegally trade in natural resources and heritage artefacts.

In many developing countries, border security is weak, sometimes allowing for the movement of arms, illegal resources and members of non-State groups into their territories. Security forces are often not sufficiently equipped to deter attacks by violent extremists. Countering violent extremism also requires undermining support for networks that armed groups depend upon. This can be achieved, in part, through constructive engagement with local communities.

Finally, some suggested that the Human Rights Council appoint a special rapporteur on countering violent extremism. The rapporteur could help to develop comprehensive approaches to non-State armed groups, including the need for non-military strategies focused on socioeconomic factors that enable non-State armed groups to emerge and proliferate. The rapporteur could also assist in clarifying the distinction between specific acts of terrorism and systematic mass atrocity crimes perpetrated by violent extremist groups.

Crimes perpetrated by non-State actors are a global issue and require a coordinated international strategy to address the challenges they pose. This has to be more than a military strategy and must include a multifaceted approach that addresses socioeconomic gaps. The approach should also involve the constructive management of diversity through structural reforms aimed at ending discrimination, minimizing disparities and promoting equality and inclusiveness among different ethnic and religious groups.

Preventing radicalization

Preventing atrocities perpetrated by non-State armed groups also involves preventing those groups from recruiting new members. This applies to both the radicalization of potential supporters into a local non-State armed group and the rise in foreign fighters joining such groups. In this context, education aimed at promoting social cohesion and highlighting the importance of diversity within society is a key tool in preventing the growth of violent extremism.

States must address the underlying socioeconomic grievances that can sometimes cause individuals to turn to such armed groups. In order for States to develop strategies for addressing violent extremists' actions, they must understand the root causes of conflict both domestically and internationally. One way to better identify those causes is to increase meaningful contacts between Government and civil society, helping to separate violent extremist groups from their claimed constituency.

Without understanding underlying grievances, security responses risk exacerbating existing tensions and may contribute to the further radicalization of sections of the population. In addition, responses must be comprehensive — not strictly military — and security forces should be trained to always undertake proportionate measures aimed at countering violent extremism in ways that remain clearly within the realm of international law.

One identified source of radicalization in some countries experiencing the growing threat posed by violent extremist groups is perceived and actual marginalization and inequality. Governments need to implement policies that encourage social cohesion and promote inclusive national narratives. Since narratives of marginalization and persecution are often central to the recruitment strategies of non-State armed groups, it is essential for Governments to help to build counter-narratives through such mechanisms as interreligious dialogue and intercultural exchange.

This challenge extends to global narratives on countering violent extremism. Marginalization, particularly of ethnic and religious minorities, allows non-State actors such as ISIL to spread their influence and attract foreign fighters.

Vulnerable communities

In many countries, certain communities — notably ethnic and religious minorities — are particularly vulnerable to targeted attacks or are disproportionately affected by conflict-related crimes and violence. Even in the absence of conflict, in some cases those communities are the subject of discriminatory State policies or behaviour that create an environment that is permissive of crimes perpetrated against them. For example, the targeting of vulnerable communities has contributed to a growing international crisis, with the number of displaced persons or refugees at its worst level since the Second World War, and growing numbers of Rohingya Muslims from Myanmar, as well as Syrians and others, fleeing persecution, war and atrocities.

During the session, the focal points discussed means for protecting those communities, discussing recent cases in which populations that had coexisted relatively peacefully were mobilized along religious and ethnic lines after the start of a conflict. The nature of the conflict in the Central African Republic had thus

changed from a political crisis into religious-based violence between armed groups of Christians and Muslims. Participants noted that, in a context of conflicts evolving in that way, the Framework of Analysis for Atrocity Crimes was a useful tool through which to raise awareness of risk factors relating to the use and abuse of identity politics.

States and their partners should increase their awareness of government policies and practices that directly promote discrimination, as well as those that indirectly contribute to marginalization. In Myanmar, for example, discriminatory policies against the Rohingya people, including the denial of citizenship, have contributed to societal attitudes that are permissive of anti-Rohingya mob violence.

National and international actors, including development partners, need to be aware of political trade-offs when providing assistance to certain vulnerable groups. If not properly implemented, support to a vulnerable group may result in perceived bias and reinforce social cleavages, which could entrench protection challenges.

Participants also discussed the growing trend of perpetrators besieging communities as a tactic for targeting minority populations (notably the Yazidis in the Sinjar region of Iraq) and whether the international community had developed stronger mechanisms for responding to besiegement in the 20 years since Srebrenica. The consensus view was that United Nations peacekeepers often still lacked the capacity to protect such communities adequately. Nevertheless, the Security Council had threatened to impose sanctions and passed resolutions urging the lifting of sieges and opening access to humanitarian assistance in response to the widespread use of besiegement tactics in conflicts, such as the civil war in the Syrian Arab Republic.

Structurally, States that uphold good governance and the rule of law and have a functioning democracy have a stronger capacity to promote and protect human rights, including the rights of vulnerable minorities. In addition, taking steps to address inequalities among groups can help societies to avoid some of the triggers for intergroup violence. Adopting policies that foster inclusivity mitigates against the risk factors associated with mass atrocity crimes.

Finally, the Special Rapporteur on Minority Issues stated that responsibility to protect focal points should review the comprehensive set of recommendations from the seventh session of the Forum on Minority Issues, held in November 2014, which focused on preventing and addressing violence and atrocity crimes targeted against minorities.

Unique challenges faced by women in mass atrocity situations

Women and girls are disproportionately affected by displacement and gender-based violence in mass atrocity situations. In many current crises, parties to the conflict have used rape as a weapon of war, while in others the security forces sent to protect populations have sometimes also participated in sexual and gender-based violence.

The systematic targeting of women and girls in conflict has become increasingly prevalent alongside the rise of non-State actors perpetrating mass atrocity crimes. The trafficking of women and forced marriage are a feature of many conflicts, notably the kidnapping and trafficking of women and children perpetrated by Boko Haram in Nigeria. The Special Representative of the Secretary-General on

Sexual Violence in Conflict recently noted that, in Iraq and the Syrian Arab Republic, ISIL had institutionalized sexual violence and the brutalization of women as a central aspect of its ideology and operations, using it as a tactic of terrorism to advance its key strategic objectives.

Reflecting upon those threats and bearing in mind the current review of Security Council resolution 1325 (2000) on women and peace and security, the focal points discussed prevention and protection mechanisms for addressing the specific needs of women, such as added protection from sexual and gender-based violence, improved preventive mechanisms, including accountability for crimes perpetrated against women, and greater provision of recovery measures, particularly in refugee and displacement camps, where women are especially vulnerable.

Participants discussed three specific measures for preventing and responding to crimes against women. First, many countries and peacekeeping missions lack adequate psychosocial and health care to recover from the consequences of sexual violence and kidnapping. Improving post-atrocity response to crimes against women should include strengthening those mechanisms. Second, security forces need proper training in both the protection of women from gender-based violence and the consequences of committing those crimes themselves. This is particularly important in militarized conflicts, such as that in the Democratic Republic of the Congo, where the security forces have previously been one of the main perpetrators of sexual violence. Finally, post-atrocity response and accountability would be improved if commissions of inquiry included a gender dimension or a gender-based violence expert.

One of the core pillars of resolution 1325 (2000) was to call upon national, regional and international institutions to increase the participation of women in decision-making and in mechanisms for conflict prevention and resolution. Since the adoption of that resolution, the number of women peacekeepers has increased and more than 40 States have adopted national action plans on women and peace and security.

Participants also learned from the example of the "Bring Back Our Girls" campaign in Nigeria about how women's peace initiatives could trigger greater government response and transparency, as well as draw international attention to a mass atrocity situation. Nevertheless, in some States, women continue to be prevented from playing a role in their own protection. As one participant noted, peace processes in many countries emerging from crisis have not included female participants, fewer than 20 per cent of peace agreements contain reference to women's issues and less than five per cent of money spent on security sector reform has a specific gender objective.

Way forward: key recommendations

The fifth meeting of the Global Network of Responsibility to Protect Focal Points featured critical conversations regarding atrocity prevention and emerging civilian protection challenges. The following are recommendations for States to consider:

(a) Each State should recognize the responsibility to protect as a cross-cutting issue. Governments should encourage interministerial dialogue on mass atrocity prevention;

(b) Each State should provide training on minority rights and the protection of vulnerable populations, including the special protection needs of women in conflict. Such training should be offered to the security sector and across relevant ministries;

(c) In developing and "fragile" States, there is often a need to extend State authority to peripheral areas of the country. It is also important to develop mechanisms for empowering civil society to address local grievances and strengthen preventive mechanisms;

(d) All States should sign and ratify the Arms Trade Treaty to help to curb the flow of small arms to non-State actors;

(e) Encouraging the United Nations and the Human Rights Council to utilize the Framework of Analysis for Atrocity Crimes when reporting on conflicts, particularly in reports of commissions of inquiry and updates by the Secretary-General to the Security Council on country situations;

(f) Supporting the possible appointment of a special rapporteur on countering violent extremism;

(g) Fostering a mass atrocity focus within dialogues on related international norms and policies, ensuring in particular that the responsibility to protect is included in relevant conversations in the Human Rights Council and within regional organizations;

(h) Encouraging regional organizations to institutionalize mass atrocity prevention by means of their early warning mechanisms;

(i) When serving on the Security Council, balancing the protection needs of civilians with operational capacity when establishing mandates for peacekeeping operations, ensuring that the responsibility to protect lens is applied to conflicts or crises where mass atrocities are occurring or are a threat.

Conclusions

The fifth meeting of the Global Network of Responsibility to Protect Focal Points occurred during a critical moment for reflecting upon lessons learned from the first 10 years since the adoption of the responsibility to protect principle. The discussion was of particular importance in helping responsibility to protect focal points to frame their thinking about the progress that their States have made, but also the ongoing implementation challenges that the international community continues to face.

The discussion on how to respond to non-State actors and vulnerable populations encouraged the focal points to think practically about how to prevent and protect in the face of new and emerging challenges and threats. As one participant noted, in order to show that the norm does not only address yesterday's news, there must also be success stories about adaptation to new challenges, and focal points benefit from the Global Network addressing the future implications of unprecedented needs.